

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PLANO ENCRYPTION TECHNOLOGIES, LLC,

Plaintiff,

v.

ALKAMI TECHNOLOGY, INC.,

Defendant.

Case No. 2:16-CV-01032-JRG

JURY TRIAL DEMANDED

PLANO ENCRYPTION TECHNOLOGIES, LLC,

Plaintiff,

v.

BEST BUY CO., INC.,

Defendant.

Case No. 2:16-CV-01049-JRG

JURY TRIAL DEMANDED

PLANO ENCRYPTION TECHNOLOGIES, LLC,

Plaintiff,

v.

ETSY TECHNOLOGY, INC.,

Defendant.

Case No. 2:16-CV-01050-JRG

JURY TRIAL DEMANDED

PLANO ENCRYPTION TECHNOLOGIES, LLC,

Plaintiff,

v.

SHUTTERFLY TECHNOLOGY, INC.,

Defendant.

Case No. 2:16-CV-01053-JRG

JURY TRIAL DEMANDED

PLANO ENCRYPTION TECHNOLOGIES, LLC,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Defendant.

Case No. 2:16-CV-01072-JRG

JURY TRIAL DEMANDED

PLANO ENCRYPTION TECHNOLOGIES, LLC,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC.,

Defendant.

Case No. 2:16-CV-01073-JRG

JURY TRIAL DEMANDED

PLANO ENCRYPTION TECHNOLOGIES, LLC,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

Case No. 2:16-CV-01093-JRG

JURY TRIAL DEMANDED

PLANO ENCRYPTION TECHNOLOGIES, LLC,

Plaintiff,

v.

MATCH.COM, LLC,

Defendant.

Case No. 2:16-CV-01094-JRG

JURY TRIAL DEMANDED

PLAINTIFF PLANO ENCRYPTION TECHNOLOGIES, LLC'S

AGREED MOTION FOR EXTENSION OF TIME

Plaintiff Plano Encryption Technologies, LLC ("Plano"), through its attorneys, Jeremy S. Pitcock of Pitcock Law Group and Elizabeth L. DeRieux of Capshaw DeRieux, LLP, hereby moves pursuant to Fed. R. Civ. P. 6(b)(1)(A) and respectfully requests this Court, in each of the above captioned matters, extend the date for Defendants' responsive pleadings by (30) days to January 13, 2017. In each of these actions, Plano recently filed a revised and expanded First Amended Complaint. All parties have agreed to this reasonable extension of time so as to permit Defendants sufficient time to address these extended and amended allegations, and to allow Defendants an opportunity to better coordinate their responses for this Court. In support of its motion, Plano states the following:

1. These are actions for patent infringement. No scheduling conference has yet been set in these matters. The requested extension will not affect any Court ordered deadlines.
2. On Monday, November 28, 2016, Plano filed an extensively revised First Amended Complaint in each of the above captioned matters.
3. Under Rule 15(a)(3) of the Federal Rules of Civil Procedure, Defendants' responses to these First Amended Complaints are due within the next week.
4. Defendants require additional time to analyze and investigate Plano's new allegations and the affirmative defenses thereto, if any.
5. On December 8, 2016, counsel for Defendant Groupon, on behalf of all Defendants, met and conferred with counsel for Plano via telephone. Plano and Defendants agreed that good cause existed for a thirty (30) day extension for Defendants' responsive pleadings. The parties agreed to extend to January 13, 2017, the date for those responsive

pleadings, so as to accommodate the schedules of necessary participants and to address the impact of the holidays.

6. The parties also observed that the additional time will better enable Defendants to coordinate their responses so as to reduce the burden on this Court.

7. At the time these First Amended Complaints were filed, several Defendants had pending motions to dismiss directed to the original complaint. Those moving Defendants have stipulated that those motions are now moot, and may be denied as moot without prejudice.¹

8. The parties have further stipulated to the following briefing schedule for any motions under Rule 12 directed to the pleadings that may be filed by Defendants in response to the First Amended Complaint:

- Plano's Oppositions shall be due on February 3, 2017;
- Defendants' Reply briefs, if any, shall be due February 10, 2017.

9. The parties have further agreed that Plano's infringement contentions shall not be due earlier than February 3, 2017.

WHEREFORE, good cause having been shown for the extension sought, Plano respectfully requests that this Court extend to January 13, 2017 the date by which Defendants must answer or otherwise plead to Plano's First Amended Complaint.

¹ The motions to dismiss include *Plano Encryption Technologies, LLC v. Etsy, Inc.*, 2-16-cv-01050, Dkt. No. 12 (which, in light of the amended complaint, the Court has dismissed without prejudice as moot, Dkt. 18), as well as *Plano Encryption Technologies, LLC v. State Farm Mutual Automobile Insurance Company*, 2-16-cv-01072, Dkt. No. 13, *Plano Encryption Technologies, LLC v. Shutterfly, Inc.*, 2-16-cv-01053, Dkt. No. 11, *Plano Encryption Technologies, LLC v. Best Buy Co., Inc.*, 2-16-cv-01049, Dkt. No. 11, and *Plano Encryption Technologies, LLC v. Alkami Technology, Inc.*, 2-16-cv-01032, Dkt. No. 14.

December 9, 2016

Respectfully submitted,

By: /s/ D. Jeffrey Rambin

Jeremy S. Pitcock

Admitted to the Eastern District of Texas

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on this 8th day of December, 2016, I caused PLAINTIFF'S AGREED MOTION FOR EXTENSION OF TIME to be filed electronically with Clerk of the Court, United States District Court for the Eastern District of Texas, Marshall Division, using the CM/ECF system which sent notification of such filing to all counsel of record.

/s/ D. Jeffrey Rambin
D. Jeffrey Rambin